



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,827	07/06/2001	Scott G. Newnam	109779.130	9662

7590 06/17/2005
Michael A. Diener
Hale and Dorr LLP
60 State Street
Boston, MA 02109

EXAMINER

DOAN, DUYN MY

ART UNIT PAPER NUMBER

2143

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/899,827	Applicant(s) NEWNAM ET AL.	
	Examiner Duyen M Doan	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detail Action

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (US 2002/0103696) (hereinafter Huang) in view of Hickman (US pat 6,173,332).

As regarding claim 1, Huang et al discloses a system for creating an interactive event in which a client file that is responsive to messages from a server is provided to remote clients, the system comprising a content creator that includes tools to inputs from a producer (pg.4, paragraph 32, see Fig.3) for generating client files to be provided to remote users and that are responsive to messages from a server to cause the remote client to display content (see Fig.3, display module 360, 370 display content to remote client). Huang does not expressly disclose a server-based user interface for controlling the display of content on the remote clients during the event.

Hickman teaches a server-based user interface for controlling the display of content on the remote clients during the event (col.3, lines 11-20).

It would have been obvious to one with ordinary skill in the art at the time of the invention was made to combine the teaching of Hickman to the method of Huang for the purpose of allowing the screen of master computer to display an image of the screen of

Art Unit: 2143

a slave. It would be desirable to have a fully functioning computer system such as personal computer, a workstation, a supercomputer that could provide vastly greater power and functionality to users of the World Wide Web (see Hickman col.3, lines 1-27).

As regarding claim 2, Huang et al discloses wherein the user interface is responsive to the producer for causing messages to be sent from the server to the client to cause previously transmitted content to be displayed at the client side (page.1-2, paragraph 9).

As regarding claim 3, Huang et al discloses wherein the user interface is responsive to the producer for receiving content and causing that content to be displayed at the client side (page 1-2, paragraph 9, see Fig.3, display module 360, 370).

As regarding claim 4, Huang et al discloses wherein the content creator is used to create polls such that during creation of a poll, a representation indicating that the poll is to be displayed is created for display on the user interface (page.4, paragraph 36,38, see Fig.3, display module 360, 370).

As regarding claim 9, Huang discloses wherein the user interface stores content created in real time during the event and causes the server to transmit that content to the clients (page.4, paragraph 32).

As regarding claim 10, Huang discloses wherein the server sends messages to the client using an Internet protocol (page.3, paragraph 28-29).

Art Unit: 2143

Claims 5-8, 11, 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang and Hickman as applied to claim 1 above, and further in view of Lappington et al (us pat 5734413) (hereinafter Lappington).

As regarding claim 5, Huang and Hickman taught all limitations of claim 1 above, but the combination of Huang and Hickman do not suggest the content creator is used to create trivia questions such that during creation of a trivia question, a representation indicating that the trivia question is to be displayed is created for display on the user interface.

However, Lappington et al teaches the content creator is used to create trivia questions such that during creation of a trivia question, a representation indicating that the trivia question is to be displayed is created for display on the user interface (col.4, line11-44).

It would have been obvious to one having skill in the art having the teachings of Huang et al and Lappington et al before him at the time of the invention to have content creator creates trivia questions and a representation indicating that the trivia question display on user interface. Lappington et al mentions that by creating trivia question and display it on user interface for viewer to see and allows viewer interact with their television, viewer will feel better about their television viewing and thus will be more interested in watching television for longer period of time and furthermore interactive programming allows networks, advertisers or other interested entities to understand the audience by taking advantage of interactive television's data gathering tools (col.4, line 6-67).

As regarding claim 6, Huang-Hickman-Lappington teaches the content creator has fields for designating a time during the event for when specified content will be displayed (see Lappington col.8, line 10-39).

It would have been obvious to one having skill in the art at the time the invention was made to combine the teachings of Lappington to the method of Huang-Hickman to have the content creator has fields for designating a time during the event for when specified content will be displayed because as Lappington mention in his invention the system allows interactive programs to be interleaved on the same channel while maintaining viewer interactivity and allows many programs to be broadcast on the same channel at different time (see Lappington col.3, line 15-28).

As regarding claim 7, Huang-Hickman-Lappington discloses the event is a broadcast program, and the timing is based on the beginning of a segment of the broadcast program (see Lappington col.26, line 26-28).

As regarding claim 8, Huang-Hickman-Lappington discloses the technical director with software interface that allows the producer to override the designated time or displaying content (see Lappington col.8, line 1-39; col.9, lines 54-67).

As regarding claim 11, Huang-Hickman teaches every limitation of claim 1 above, but he does not teach the user interface has icons representing all the items of content to be displayed during at least a segment of the event.

Lappington however teaches the user interface has icons (window menu allows the script writer to view quick buttons which are icons that when selected, perform

Art Unit: 2143

functions that normally would take more than one action (see Lappington col.13, line 10-34)).

It would have been obvious to one having skill in the art at the time the invention was made to combine the teachings of Lappington to the method of Huang-Hickman to have the icons represent the contents to be display during at least the segment of the event because icons contribute significantly to the user friendliness of graphical user interface and Lappington also mentions that window menu allows the script writer to view quick buttons which are icons that when selected, perform functions that normally would take more than one action (see Lappington col13, line 10-13).

As regarding claim 17, Huang-Hickman teaches every limitation of claim 1 above, but he does not specifically mention the content is provided to the clients before the event. (At an appropriate time during the live event broadcast, the survey questions are display to viewer through voting interface (see Huang, page.4, paragraph 33).

Lappington however teaches mention the content is provided to the clients before the event (col.5, line 43-47, col.10, line 39-55, col.27, line 28-29).

It would have been obvious to one having skill in the art at the time the invention was made to combine the teachings of Lappington to the method of Huang-Hickman to have the content is provided to the clients before the event. As Lappington et al mentioned in his invention, a script could ask questions related to the next episode and then provide the poll results at the beginning of the next show (Lappington col.10, line 46-55).

As regarding claim 18, Huang-Hickman teaches every limitation of claim 1 above, but he does not specifically mention content is provided to the clients during the event

Art Unit: 2143

but prior to display during event. (At an appropriate time during the live event broadcast, the survey questions are display to viewer through voting interface (Huang, page.4, paragraph 33).

Lappington teaches content is provided to the clients during the event but prior to display during event (First data is inserted into the television signal as it is created. Second, data is stored in a memory element, and inserted in the television signal on command of an operator. Third, data is created with timing information. And fourth, data is assigned to a specific television frame (Lappington et al, col.3, line 50-57)).

It would have been obvious to one having skill in the art at the time the invention was made to combine the teachings of Lappington to the method of Huang-Hickman to have the content is provided to the clients during the event but prior to display during event. As Lappington mentioned in his invention the scriptwriter could also determine when during the broadcast the questions should be transmitted and presented (Lappington, col.8, line 10-12). Since the scriptwriter could determine the time to insert the content, the scriptwriter can insert the content at any desired time.

As regarding claim 19, Huang et al teaches every limitation of claim 1 above, but he does not specifically mention content is provided to the clients during the event for immediate display during the event. (At an appropriate time during the live event broadcast, the survey questions are display to viewer through voting interface (Huang et al, page.4, paragraph 33).

Lappington teaches content is provided to the clients during the event for immediate display during the event (First data is inserted into the television signal as it

Art Unit: 2143

is created. Second, data is stored in a memory element, and inserted in the television signal on command of an operator. Third, data is created with timing information. And fourth, data is assigned to a specific television frame (Lappington et al, col.3, line 50-57)).

It would have been obvious to one having skill in the art at the time the invention was made to combine the teachings of Lappington to the method of Huang-Hickman to have content is provided to the clients during the event for immediate display during the event. As Lappington et al mentioned in his invention the scriptwriter could also determine when during the broadcast the questions should be transmitted and presented (Lappington et al, col.8, line 10-12). Since the scriptwriter could determine the time to insert the content, the scriptwriter can insert the content at any desired time.

As regarding claim 20, is a combination of claim 17-19 above, rejected for the same rationale as claim 17-19 above.

As regarding claim 21, Huang-Hickman teaches every limitation of claim 1 above, but he does not teach the client file is transferred to viewers in advance of an episode of an event and includes content for display for multiple events and content specific to a single episode event, wherein the content creator can create both the multi-episode content and the individual episode content.

Lappington teaches the client file is transferred to viewers in advance of an episode of an event (col.8, line 10-15) and includes content for display for multiple events and content specific to a single episode event, wherein the content creator can

create both the multi-episode content and the individual episode content (col.10, line 6-40).

It would have been obvious to one having skill in the art at the time of the invention was made to combine the teaching of Lappington to the method of Huang-Hickman to have the file transfer to viewers in advance of an episode of an event and includes content for display for multiple events and content specific to a single episode event. As mention by Lappington a group of one or more transactions make up a segment. A segment is a group of transactions that must be played sequentially (col.10, line 17-20). A script could ask questions related to the next episode and then provide the poll results at the beginning of the next show (col.10, line 46-48).

As regarding claim 22, Huang-Hickman teaches every limitation of claim 1 above, but he does not teach the content creator is responsive to a producer for enabling chat functionality during some or all of an event.

Lappington however teach the content creator is responsive to a producer for enabling a chat functionality during some or all of an event (col.5, line 3-14, col.10, line 41-45)

It would have been obvious to one having skill in the art at the time of the invention was made to combine the teaching of Lappington to the method of Huang-Hickman to have the content creator is responsive to a producer for enabling a chat functionality during some or all of an event. As Lappington mentions in his invention sporting events become more fun for viewers who can judge competitions, match wits with the coaches and test their knowledge of the game (see Lappington col.4, line 15-

20). A polling script allows an opportunity for viewer talk back to their television (Lappington col.10, line 41-55).

Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang and Hickman as applied to claim 1 above in view of Shoff et al (us 2001/0001160) (hereinafter Shoff).

As regarding claim 12, Huang-Hickman teaches very limitation of claim 1 above, but he does not explicitly mention the content creator includes a first program for allowing a producer to identify types of items of interactive functionality (these survey questions are provided during a live event and responses and results are required within a short amount of time (page.1, paragraph 8)).

Shoff however teaches the content creator includes a first program for allowing a producer to identify types of items of interactive functionality (page.3, paragraph 40).

It would have been obvious to one having skill in the art at the time of the invention was made to combine the teaching of Shoff to the method of Huang-Hickman to have a first program for allowing a producer to identify types of items of interactive functionality. As shoff mentioned in his invention the system and method for presenting interactive entertainment programs is advantageous as it returns the freedom of creativity to the content developer (Shoff, page.7, paragraph 79).

As regarding claim 13, Shoff discloses wherein the first program also allows the producer to create a look and feel for multiple events (the developer is empowered to

Art Unit: 2143

create both the content and the presentation format of how the content and broadcast program are displayed to the viewer. The developer is free to control the location and shape of the broadcast program window (Shoff, page 7, paragraph 79). The same motivation was utilized in claim 12 applied equally well to claim 13.

As regarding claim 14, Shoff discloses wherein the content creator further includes a second program that receives from the first program the types of items of interactive functionality, the second program being used to enter quantities and the content for each item (Shoff, page 2, paragraph 18-19, page 3, paragraph 40). The same motivation was utilized in claim 12 applied equally well to claim 14.

As regarding claim 15, Shoff discloses the content entered for each piece of content is used to generate files for transfer to a client (Shoff, page 3, paragraph 40). The same motivation was utilized in claim 12 applied equally well to claim 15.

As regarding claim 16, Shoff discloses the content creator creates the user interface using the quantity of items and content of the items of interactive functionality (Shoff, page 7, paragraph 79-80). The same motivation was utilized in claim 12 applied equally well to claim 16.

Claim 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (us 2002/0103696) (hereinafter Huang) and Shoff et al (us 2001/0001160) (hereinafter Shoff).

As regarding claim 23, Huang discloses an authoring system for creating interactive content to be sent to remote viewers during an event (Fig.2 authoring system user interface 220, also see paragraph 9, 21, 32, 33), the system including a user interface (Fig.2 authoring system user interface 220, also see paragraph 9, 21, 32, 33, 36), Huang does not expressly disclose the interface with different types of interactive functionality, the system responsive to user inputs for selecting from among a plurality of types of interactive functionality further responsive to user input for entering content for each of a number of items of interactive functionality, the system further responsive to the selected types of interactive functionality and entered content for creating server base user interface showing representations of each item of content to be displayed during the event.

Shoff teaches the user interface with different types of interactive functionality (Shoff see figure 3, program that will be display on viewer screen, also see pg.2, paragraph 18,19, pg.3, paragraph 32,39), the system responsive to user inputs for selecting from among a plurality of types of interactive functionality further responsive to user input for entering content for each of a number of items of interactive functionality (Shoff paragraph 60-64, pg.5), the system further responsive to the selected types of interactive functionality and entered content for creating server base user interface showing representations of each item of content to be displayed during the event (Shoff Fig.3, item of content to be displayed).

It would have been obvious to one with ordinary skill in the art at the time of the invention was made to combine the teaching of Shoff to the method of Huang to have a

Art Unit: 2143

system with user interface with different types of interactive functionality, responsive to user inputs to display the content, for the purpose of given the content provider who develop the internet have full control over how the television program and interactive supplemental content is presented to the viewer (see Shoff paragraph 12, 18-19, page 1-2).

As regarding claim 24, Huang-Shoff discloses wherein the representations are icons (see Shoff paragraph 61, 69, pg.5-6). The same motivation was utilized in claim 23 applied equally well to claim 24.

As regarding claim 25, Huang-Shoff discloses wherein at least some of the icons represent questions and responses for display to viewers of an event, the questions being related to the event (see Shoff paragraph 61, 69, pg.5-6). The same motivation was utilized in claim 23 applied equally well to claim 25.

As regarding claim 26, Huang-Shoff discloses the user interface indicates interactive functionality available during an event (page 5, paragraph 57, page 7, paragraph 79-80). The same motivation was utilized in claim 23 applied equally well to claim 26.

As regarding claim 27, Huang-Shoff discloses wherein the interactive functionality includes the ability of one viewer to communicate with another viewer or with a producer of the event (see Shoff pg.5, paragraph 60-64).

As regarding claim 28, Huang-Shoff discloses the content is sent to a client in advance of the event, and the server provides messages to cause parts of the content

to be displayed (see Shoff pg.5 paragraph 60-64, also see Huang pg.4, paragraph 33).

The same motivation was utilized in claim 23 applied equally well to claim 28.

As regarding claim 29, Huang-Shoff discloses the server based user interface is responsive to inputs to cause previously sent content to be displayed (see Shoff pg.5, paragraph 57-58, 60-64, the video is send in frame and must be downloaded to the user before displaying).

Response to Arguments

Applicant's arguments and the amendment filed on 21 March 2005 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e. for generating client files to be provided to remote users and that are responsive to messages from a server to cause the remote client to display content. The system further responsive to user input for entering content for each of a number of items of interactive functionality. The content is sent to a client in advance of the event, and the server provides messages to cause parts of the content to be displayed. The server based user interface is responsive to inputs to cause previously sent content to be displayed) to the claims which significantly affected the scope thereof.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2143

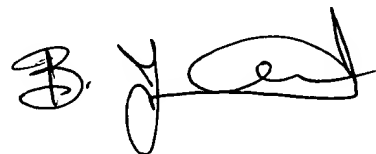
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M. Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner
Duyen Doan
Art unit 2143

DD



**BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER**